REMARKS

Applicant is in receipt of the Office Action mailed March 23, 2005. Claims 1-27 were rejected. Claims 1-6, 8, 11-13, 16-22, and 24-27 have been amended. Claims 9 and 10 have been canceled. New claims 28-35 have been added. Claims 1-8 and 11-35 are currently pending in the application.

<u>Section 103(a) Rejection</u>

Claims 1-27 were rejected under 35 U.S.C. 103(a) a being unpatentable over U.S. Patent No. 5,233,611 to Triantafyllos et al. (hereinafter "Triantafyllos"). Applicant respectfully traverses this rejection.

Triantafyllos relates generally to a system that utilizes a single computer to test an application software program. A test case program includes commands to input keystrokes to the application software program under test. A test program reads the keystroke and the command from the test case and packetizes the keystroke and the command. A communication program communicates the packetized keystroke and command to the operating system for input to the application software program under test. The application software program under test then processes the keystroke and generates screen data. The communication program sends the screen data to the test program which analyzes it to determine if the application software program under test is operating properly. (See Abstract.)

Applicant respectfully submits that Triantafyllos does not teach or suggest several elements of the present claims. For example, claim 1 has been amended to read as follows:

1. (Currently Amended) A computer-implemented method for executing two test executive sequences, the method comprising:
creating a first test executive sequence, wherein said creating the first test executive sequence comprises including a first plurality of test executive steps in the first test executive sequence, wherein each test executive step in the first plurality of test executive steps is included in the first test executive sequence in response to user input to a sequence editor requesting inclusion of the test executive step in the first test executive sequence;
configuring the first test executive sequence to asynchronously call a second test executive sequence, in response to user input;

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creating the second test executive sequence, wherein said creating the second test executive sequence comprises including a second plurality of test executive steps in the second test executive sequence, wherein each test executive step in the second plurality of test executive steps is included in the second test executive sequence in response to user input to the sequence editor requesting inclusion of the test executive step in the second test executive sequence;

executing the first test executive sequence, wherein said executing the first test executive sequence comprises executing the first plurality of test executive steps in the first test executive sequence, wherein said executing the first test executive sequence comprises the first test executive sequence asynchronously calling the second test executive sequence;

executing the second test executive sequence in response to said asynchronously calling the second test executive sequence, wherein the second test executive sequence executes asynchronously from the first test executive sequence.

Triantafyllos does not teach the concept of a first test executive sequence and a second test executive sequence as recited in claim 1. As recited in claim 1, the first test executive sequence is created in response to user input to a sequence editor requesting inclusion of a plurality of test executive steps in the first test executive sequence, where the test executive steps are requested for inclusion in the first test executive sequence without specifying program code. Similarly, the second test executive sequence is created in response to user input to the sequence editor requesting inclusion of a plurality of test executive steps in the second test executive sequence, where the test executive steps are requested for inclusion in the second test executive sequence without specifying program code.

The Office Action equates the first test executive sequence with Triantafyllos's test case program and equates the second test executive sequence with Triantafyllos's test program. It is well known in the art of computer programming that a user typically creates a program by specifying lines of program code for the program. If the first and second test executive sequences are equated with the test case program and the test program then the test executive steps in the first and second test executive sequences would presumably be equated with the lines of program code in the test case program and the test program. However, a test executive step in a test executive sequence is not the same as a line of program code in a program. In particular, the test executive steps are requested to be included in the test executive sequences by interacting with a sequence editor, and does not require the user to manually write the actual program code, as noted

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above. However, including a line of program code in a program necessarily involves specifying or writing the line of program code. Triantafyllos does not teach the concept of creating a test executive sequence in response to user input to a sequence editor requesting inclusion of a plurality of test executive steps in the test executive sequence, where the test executive steps are requested for inclusion in the test executive sequence.

Furthermore, Applicant also respectfully submits that Triantafyllos does not teach the elements of, "configuring the first test executive sequence to asynchronously call a second test executive sequence" and "wherein said executing the first test executive sequence comprises the first test executive sequence asynchronously calling the second test executive sequence" and "executing the second test executive sequence in response to said asynchronously calling the second test executive sequence, wherein the second test executive sequence executes asynchronously from the first test executive sequence". As discussed above, the Office Action equates the first test executive sequence with Triantafyllos's test case program and equates the second test executive sequence with Triantafyllos's test program. Thus, in order for Triantafyllos to teach these elements of claim 1, Triantafyllos would have to teach the test case program asynchronously calling the test program and the test program executing asynchronously from the test case program.

The Office Action asserts that Triantafyllos teaches executing the second test executive sequence asynchronously from the first test executive sequence at Col. 6, line 60 – Col. 7, line 10. However, what Triantafyllos actually teaches at the cited portion is that the test program initiates the communication program, and the communication program loads and executes the application software program under test asynchronously. The cited portion of Triantafyllos does not teach the test case program asynchronously calling the test program.

Applicant thus respectfully submits that amended claim 1 is allowable over Triantafyllos, for at least the reasons discussed above. Inasmuch as the other independent claims recite elements similar to those discussed above, Applicant submits that the other independent claims are also allowable over Triantafyllos.

Since the independent claims have been shown to be allowable, Applicant submits that the dependent claims are also allowable for at least this reason. Furthermore,

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Applicant submits that the dependent claims recite numerous further distinctions over Triantafyllos.

For example, claim 2 recites the element of, "wherein said executing the first test executive sequence and said executing the second test executive sequence comprise performing one or more tests of a unit under test (UUT), wherein the UUT comprises a hardware device." However, Triantafyllos does not teach performing one or more tests of a UUT, where the UUT comprises a hardware device. As described above, Triantafyllos relates to testing an application software program. The Office Action asserts that, "the test programs are interacting with a at least one hardware device under test because in the system of Triantafyllos, the application under test can be the application of any hardware of the computer system or another computer system." However, Applicant notes that although the application software program executes on a computer system, Triantafyllos's system is not designed to test hardware operation of the computer system. Instead, Triantafyllos clearly teaches that the test case program and the test program are designed to test operation of the application software program itself (See Abstract; Col. 2, lines 58-60).

As another example, claim 8 recites as follows:

8. (Currently Amended) The method of claim 1,
wherein said executing the first test executive sequence is performed on a first computer system;
wherein said executing the first test executive sequence comprises the first test executive sequence calling the second test executive sequence for asynchronous execution on a second computer system coupled to the first computer system;
wherein said executing the second test executive sequence is performed on the second computer system coupled to the first computer system.

The Office Action asserts that, "as it is stated in the background (col. 2, lines 13-20) using two computer system for testing a device under test is well known in the art and according to Triantafyllos, there overhead associated with it, but the system of Triantafyllos is capable of performing the first and second test executive in tow different computer system." The cited portion at Col. 2, lines 13-20 describes a prior art IBM automated test system that utilizes two personal computers. Applicant respectfully submits that Triantafyllos describes the IBM test system in order to differentiate the Triantafyllos invention from the IBM test system. Triantafyllos explicitly teaches away

from the use of two computer systems: "Accordingly, a general object of the present invention is to provide automatic function testing without requiring an additional driver personal computer" (Col. 2, lines 21-23). Also see the Abstract: "A computer system utilizes a single computer to test the operability of an application which also runs on the same computer."

Furthermore, Triantafyllos describes the IBM test system as follows: "One of the personal computers is the device under test and executes the application program to be tested...The other personal computer is a driver and is the personal computer that controls and monitors the device under test personal computer" (Col. 1, line 65 – Col. 2, line 5). As discussed above, the Office Action equates the first test executive sequence with Triantafyllos's test case program and equates the second test executive sequence with Triantafyllos's test program. Thus, in order for Triantafyllos to teach the elements of claim 8, Triantafyllos would have to teach the test program executing on a different computer system than the test case program. However, Triantafyllos does not describe the IBM test system as executing a test program on a different computer system than a test case program.

Applicant also respectfully submits that numerous ones of the other dependent claims recite further distinctions over Triantafyllos. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-49600/JCH.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

☒ Notice of Change of Address

Respectfully submitted,

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